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ATTORNEYS FOR DEFENDANT
CITY OF BERKELEY

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

TIMOTHY GARDNER,

No. C10-03410 EMC

Plaintiff.

vs.

CITY OF BERKELEY

**NOTICE OF SETTLEMENT AND REQUEST
TO VACATE TRIAL AND TRIAL-RELATED
DEADLINES ; ORDER VACATING DATES
AND SETTING CMC**

Defendant.

PLEASE TAKE NOTICE that the parties have settled the above-captioned matter and hereby

1 request to vacate the trial date of February 21, 2012 and all trial-related deadlines, including the
2 February 10, 2012 Pre-Trial Conference.

3 Per the terms on the Settlement Agreement, the parties anticipate filing a Stipulation for
4 Dismissal in early March 2012.

5 Respectfully submitted,
6

7 Dated: February 1, 2012
8

9 /s/ Kacey Gardner
10 Kacey Gardner
11 LAW OFFICES OF KACEY GARDNER
12 Attorney for Plaintiff TIMOTHY GARDNER

13 Dated: February 1, 2012
14

15 /s/ Lawrence D. Murray
16 Lawrence D. Murray
17 MURRAY & ASSOCIATES
18 Attorney for Plaintiff TIMOTHY GARDNER

19 Dated: February 1, 2012
20

21 /s/
22 Mark Zembsch
23 Deputy City Attorney
24 ZACH COWAN, City Attorney
25 SARAH REYNOSO, Assistant City Attorney
26 MARK J. ZEMBSCH, Deputy City Attorney

27 IT IS SO ORDERED that the trial and trial related dates are hereby vacated. A further CMC is set
28 for 4/6/12 at 10:30 a.m. An updated joint CMC statement shall be filed by 3/30/12. The 4/6/12
CMC will be vacated once a stipulation for dismissal is filed.

29
30 Edward M. Chen
31 U.S. District Court
32 IT IS SO ORDERED
33 
34 Judge Edward M. Chen
35 NORTHERN DISTRICT OF CALIFORNIA